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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,960	09/05/2003	William J. Beyda	2003P11248US	8890

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Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

SINGH, RAMNANDAN P

ART UNIT	PAPER NUMBER
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2614

MAIL DATE	DELIVERY MODE
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06/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<div style="border: 1px solid black; width: 150px; height: 20px; margin: 0 auto;"></div> <p style="text-align: center;">Office Action Summary</p>	Application No. 10/655,960	Applicant(s) BEYDA ET AL.	
	Examiner Ramnandan Singh	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 17 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 17 recites the limitation "wherein the TDM network is a proprietary digital interface" in lines 1-2. Since the TDM network is a proprietary digital interface, the disclosure is inadequate. As a result, the metes and bounds of the claim can not be determined. The 35 U.S.C. 112, first paragraph, requires that everything claimed must be clearly disclosed. Thus, the claimed digital interface must be a part of the disclosure.

[See MPEP 724.02, 724, 724.01].

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Byers [US 6,614,786 B1].

Regarding claim 1, Byers discloses a dual mode packet phone (10) shown in Fig. 1, comprising:

a first connector (18) to connect the phone with a data network (i.e. internet) [col. 1, line 54 to col. 2, line 30]; and

a second connector (16) to connect the phone (i.e. standard telephone network) with a backup network [Fig. col. 2, line 57 to col. 3, line 52].

Regarding claim 2, Byers further discloses the phone, wherein the backup network is a digital network [col. 3, line 53 to col. 4, line 26].

Regarding claim 3, Byers further discloses the phone, wherein the backup network is an analog network (POTS line 12) [col. 5, lines 9-19; col. 6, lines 33-66; claim 1].

Regarding claim 4, Byers further discloses the phone, comprising a data network interface and a control unit (22) for sensing when the data network is non-functioning [Fig. 2b; steps 94 through 108].

Regarding claim 5, Byers further discloses the phone comprising a backup switch (i.e. manual) for switching between the data network and the backup network [col. 3, lines 7-15].

Regarding claim 21, the limitations are shown above.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6-7, 8-10, 14, 18-20, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Byers as applied to claim 1 above, and further in view of Goodrich II et al [US 6,956,943 B1].

Regarding claims 6-7, Byers does not teach expressly using RJ-11 and RJ-45 connectors.

Goodrich III et al teach using industry standard RJ-11 jacks for connecting telephone lines to POTS interface, and RJ-45 jacks as LAN connectors [col. 4, lines 4-17; col. 5, line 63 to col. 6, line 2].

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the RJ-11 and RJ-45 jacks as industry standard for connecting telephone lines and the LAN.

Regarding claim 8, Byers further teaches mode selector switch (14) that selects one network at a time and bypasses the other network [Fig. 1].

Regarding claims 9-10, the limitations are shown above.

Regarding claim 14, Goodrich II et al further teach the phone, wherein the data network is a Voice-over-IP Ethernet LAN [col. 6, lines 4-12].

Regarding claims 18-20, 22, the limitations are shown above.

7. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Byers and Goodrich II et al as applied to claim 10 above, and further in view of Bremer et al [US 20070047730 A1].

Regarding claims 11-12, the combination of Byers and Goodrich II et al does not teach expressly using a gateway analog line.

Bremer teaches using a gateway analog line using a voice gateway (110) [Fig. 1].

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to integrate analog voice service and derived POTS services in a DSL [Bremer et al; Para: 0002].

Regarding claim 13, the limitation is shown above.

8. Claims 15-16, 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Byers and Goodrich II et al as applied to claims 14, 22 above, and further in view of Pulver [US 6,741,835 B2].

Regarding claims 15-16, the combination of Byers and Goodrich II et al does not teach expressly using a digital time division multiplexing network.

Pulver teaches a phone, wherein the backup network is a digital time division multiplexing (TDM) network [col. 11, lines 31-48].

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the teachings of Pulver with Byers and Goodrich II et al in order to use a digital time division multiplexing network as an alternate communication channel [Pulver; col. 11, lines 40-48].

Regarding claims 23-25, the limitations are shown above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramnandan Singh whose telephone number is (571) 272-7529. The examiner can normally be reached on M-TH (8:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramnandan Singh
Examiner
Art Unit 2614

A handwritten signature in black ink, appearing to read 'Rn Singh', with a horizontal line underneath.